

## Chief Justice Broderick to be Honored

The New Hampshire Civil Liberties Union Foundation will present the Bill of Rights Award to retiring New Hampshire Supreme Court Chief Justice John T. Broderick, Jr. at the 2010 Bill of Rights Dinner.

Chief Justice Broderick was appointed as an Associate Justice in 1995, after the retirement of Justice William Batchelder. He was named Chief Justice in 2004.

Chief Justice Broderick has been a tireless advocate for the technological modernization of court records and has streamlined access to information for those served by the courts.

During his service on the Court, ‘the Chief’ has dedicated himself to the principle that the courts must be ‘accessible, affordable and relevant to the fabric of this century’. He has lectured across the country about the need for civil Gideon, state funded legal representation for individuals who cannot afford counsel in civil cases that impact their fundamental rights.

Chief Justice Broderick has been an innovator, championing the creation of mental health courts and the juvenile and adult drug courts in the state. He was instrumental in the implementation of a business court docket. ‘The Chief’ created the first ever Office of Mediation and Arbitration within the judicial branch, offering its services in all of New Hampshire’s courts, including the Supreme Court.

John Broderick has a passion for justice and a lifetime commitment to the principle that every person must have the right to access the court and have grievances heard, and should have the right to legal representation even if the individual cannot afford an attorney.

The 2010 Bill of Rights Dinner will be held on Sunday, November 14th, at Fratello’s Ristorante in Manchester. Invitations have been mailed to NHCLU members, but any individual may purchase a ticket and attend. It will be an extraordinary evening.

## TransForm New Hampshire Conference

This summer, the NHCLU Foundation hosted *TransForm New Hampshire*, the first state conference to focus on the rights and the challenges of those who are trans-identified. The three-day event featured speakers and performers from around the country, coming together to discuss transgender identities and rights. Almost a hundred people attended the event, from New Hampshire and from other New England states, Washington, D.C., Pennsylvania and beyond.

The goal of *TransForm New Hampshire* was to educate and to raise awareness about the unique challenges that trans-identified people face across the state and the nation. A wide variety of attendees — counselors, practitioners, attorneys,

professors, activists and family members of trans-identified people — shared their experiences and offered support and encouragement to each other. An extraordinary article in the *Concord Monitor* by Annmarie Timmins and Katie Barnes spotlighted some of the conference participants. Dialogue about transgender identities, sparked by the *TransForm New Hampshire* conference, continued far beyond the weekend. Events such as these are vital to raising awareness about this often misunderstood community.

The organizer and architect of the conference was Daniel Webster Fellow Mae Dunn, now a second year law student at

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## NHCLU Foundation Legal Docket 2010

### *Access to Government*

#### Chauncey v. Town of Antrim

A resident of Antrim received a letter from the town prohibiting him from entering any public building in the town. The NHCLU Foundation wrote a letter demanding that the town retract the order, arguing that the town lacked authority to issue such an order, that the order violated the resident's First Amendment right of access to the government and that the order violated due process. The town retracted the order.

### *Freedom of Religion*

#### State v. Jonathan Perfetto

The NHCLU Foundation represented Jonathan Perfetto, a paroled, convicted sex offender, before the New Hampshire Supreme Court, appealing a Superior Court order that denied without hearing his 'pro-se' motion to attend church with a chaperone. The NH Supreme Court found that the state was not required to show a compelling need in order to regulate his practice of religion because his liberty was 'conditional'. The condition of parole that prohibited him from contact with minors, and as a consequence prohibited his attendance at church where children were present, was found to be 'reasonable'.

### *Title IX*

#### Wilkinson v. Plymouth State University

Bradley Wilkinson was denied enrollment in a Self Defense for Women course. The University suggested he enroll in Tai Chi as a substitute. The NHCLU Foundation wrote a demand letter stating that the denial violates federal law. The University has agreed to provide a similar course for men in the fall.

### *Hostile Work Environment*

A Strafford County Department of Corrections employee received an email sent by the sheriff to county employees that depicted images of Jesus. Upon receipt of a demand letter from the NHCLU Foundation, the County Commissioners required the sheriff to apologize, revised the county's email policy and agreed to have a UNH expert on diversity and cultural sensitivity conduct a mandatory training.

### *Free Speech*

#### Jonathan Doyle v. George Bald, et al

The NHCLUF and cooperating attorney Jon Meyer brought suit against the Commissioner of DRED when the department prohibited Mr. Doyle from completing a small amateur film project on Mount Monadnock. A request for a preliminary injunction to complete the project was denied. We are taking depositions.

### *Green Mountain Realty v. Fifth Estate*

The NHCLU Foundation submitted an amicus brief on behalf of an individual sued for defamation as a result of speaking out about a political issue in Wolfeboro.

### *Sex Offenders*

#### Thomas v. Merrifield

The NHCLU Foundation filed suit against the city of Franklin, asking that the sex offender residency restriction ordinance be found unconstitutional. We won a similar suit last year against the town of Dover.

### *Student's Rights*

#### Doran v. Conval School District

The NH Supreme Court declined an interlocutory transfer and remanded the matter to superior court. A motion filed by the defendants to dismiss the case as moot was granted.

## Lost Members

A colored dot on your label indicates that you are no longer on our active mailing list.

If you wish to continue to receive the NHCLU newsletter, please send a membership renewal check to the NHCLU, 18 Low Avenue, Concord, NH 03301.

### **The annual membership categories are:**

Individual membership—\$20.00; Joint membership—\$35.00; Student/limited income membership—\$5.00.

## Sometimes the First Amendment Gives Me a Headache

Claire Ebel, Executive Director

It is silly season. The political ads are everywhere, all the time, day and night. The recent ruling by the United States Supreme Court opened the floodgates, and the words, they just keep rolling along.

But the statements contradict each other, so they cannot all be correct. Some of them must be wrong.

This is the tale of Senate Bill 500 which is the subject of many of the political ads and diatribes this political season. This is the truth about an excellent bill that the NHCLU supported.

First, a bit of background: When convicted, an individual not given a life sentence is incarcerated for a term that has a maximum – 7 to 15 years; 10 to 20 years; 15 to 30 years. A prisoner *may* be paroled after the minimum sentence is served, but a person on parole is monitored, required to meet certain conditions, to attend certain programs. A person on parole is also given assistance to obtain housing, employment and reintegration into society. That is the dual purpose of parole: protection of society and reintegration of the offender.

If a prisoner serves the maximum sentence, that person is free — no monitoring, no conditions, no controls. The person also receives no assistance in finding housing, employment or needed treatment.

Almost 20% of New Hampshire State Prison inmates ‘max out’. They serve their full sentence, they leave prison, they are free and they are completely unsu-

pervised. More than half of those individuals will likely reoffend *within the first nine months after release*.

Senate Bill 500 eliminates the possibility that any inmate will be released without at least nine months of intensive supervision by a parole officer. There will be monitoring, daily or weekly reporting or meetings, substance abuse testing, treatment, an ankle bracelet if needed. The individual will also receive counseling, and assistance with housing, employment and readjustment into society.

SB 500 places every inmate who is nine months from completion of a maximum sentence on strictly supervised parole for those nine months. When this system was enacted in Kansas, their recidivism rate was cut by almost 50%. The people of New Hampshire will be safer, they will be less likely to become the victims of the most dangerous offenders, if the offenders are strictly monitored during their first nine months after release from prison. Such monitoring can only occur if the inmate is released — placed on parole — nine months prior to end of the maximum sentence. Senate Bill 500 is a reasoned and careful attempt to decrease recidivism, increase the likelihood of successful reintegration of prisoners and increase the safety of New Hampshire residents—and parole costs less than prison.

As much as I loathe those ads, the exquisite presence of a First Amendment is worth the noise.

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**TransForm New Hampshire Conference** *continued from page 1*

the University of New Hampshire School of Law in Concord. Mae was a summer intern with the NHCLU Foundation, and she has emerged as a leader in the trans-identity movement in New Hampshire.

The NHCLU Foundation owes an enormous debt of gratitude to many organizations and businesses in the state: UNH School of Law provided the venue; Bagel Works donated a bagel and cream cheese breakfast feast; Frito Lay provided snacks for lunch; Hermanos Cocina Mexicana donated an extraordinary Saturday night buffet for attendees. Our much loved friends at PIP Printing — Angus and Chris — gave a deep discount for printing the programs.

Red River Theatres and Dos Amigos Burritos donated gift certificates for a raffle. Several New Hampshire organizations made generous donations to help finance the conference: PFLAG New Hampshire, the New Hampshire Stonewall Democrats and NAMI New Hampshire. And our volunteers - Lauren, Emily K., June, Sheila, Robyn and Emily L. — made the event a resounding success.

When the rights of one group are violated, the rights of all are threatened. It is time for the trans-identified residents of New Hampshire to lead their march for equality, and the NHCLU will be a proud participant in that movement.



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## NHCLU Annual Membership Meeting

*Sunday, November 14, at 4:00 pm*

*Fratello's Ristorante • 155 Dow St. • Manchester*

*The 2010 Annual Membership Meeting of the New Hampshire Civil Liberties Union will explore the results of recent United States Supreme Court rulings on campaign finance restrictions.*

*A panel of scholars and activists including John Rauh, head of Americans for Campaign Finance Reform, will be chaired by newly elected NHCLU Board Chair Buzz Scherr.*

*There will be a round table discussion and debate on the effects of the Court decisions on the electoral process during the 2010 election and beyond.*

*Professor Scherr will also describe the change in ACLU policy on this important issue.*

*Members and friends are welcome to attend and participate.*